

Urban Stormwater Working Group (USWG)

Conference call: Friday Dec 11, 10 am-11:30 am

10:00 – 10:15	Introductions – Call out
10:15 – 10:30	Illinois Nutrient Loss Reduction Strategy review: Development and current status Sector and Working Group updates happen at the Policy Working Group meetings. Stephen McCracken and Hal Sprague expressed interest in representing the stormwater sector at the Policy Working Group meetings. Amy Walkenbach was selected as the Stormwater Working Group chair and she will provide Group updates at these meetings.
10:30 – 11:00	Urban Stormwater Working Group Charge – identify and discuss ongoing efforts and identify gaps. ➤ This group identified the need for 2 and possibly 3 subgroups that focus on outreach, legislative issues, and MS4 programs.
11:00 – 11:30	Next Steps The next meeting is April 12. A location was not determined and will be decided via email.
Upcoming meetings: April 12 (face to face) Jul 12 Call Nov 15 Call	

In attendance: Steve Brendel, Madison County; Tyler Carpenter, Greater Egypt Regional Planning and Development Commission; Alec Davis, Illinois Environmental Regulatory Group; Mary Beth Falsey, DuPage County; Lyndsey Ramsey, Illinois Farm Bureau; Stephen McCracken, The Conservation Foundation; Mike Warner, Lake County Stormwater Management Commission; Andrew Rehn, Prairie Rivers Network; Trevor Sample, Illinois EPA; John Sloan, National Great Rivers Research and Education Center; Justin Vick, Metropolitan Water Reclamation District of Greater Chicago; Amy Walkenbach, Illinois EPA; Nancy Williamson, Illinois Dept. of Natural Resources; Rick Winkel, Institute of Government and Public Affairs/Prairie Research Institute; Cristina Negri, Agronne National Laboratory

Facilitators: Eliana Brown, IWRC; Katie Hollenbeck, IWRC; Brian Miller, IWRC

Amy Walkenbach: Before you start, Scott Ristau and Shawn Wilcockson are also here, and Hal Sprague who is also present will give us legislative input.

Eliana Brown: Moving on to the next slide, we will be reviewing some background information, reviewing committee charges, determining actions and priorities, and determining next steps. The last two things will be done at end of meeting, so I will send out an email to make sure everyone is on the same page. Here is the cover of the strategy, EPA gathered together in 2013, and the final document was released in July of 2015. The IWRC role is facilitation of the strategy. You can get a copy of it at the

URL in my signature block or just google “Illinois nutrient strategy” as a quick way to get to it. Many of you have seen this figure, the science assessment of nutrients leaving state of Illinois. Urban is small in runoff in comparison to other services. But stormwater is important locally. We asked Tyler Carpenter to join us represent the southern part of the state that is not represented as MS4. The next slide shows the seven committees. The Policy Working Group is the steering committee. It includes stakeholders and representatives from several different sectors. The Nutrient Monitoring Council is looking at ways to determine nutrient and nutrient related monitoring in the state. The Nutrient Science Advisory Committee is developing nutrient numeric criteria recommendations in Illinois. The Agriculture Water Quality Partnership Forum is made up of agricultural directors. They are looking at BMPs and outreach. Our group is the Urban Stormwater Working Group and we will discuss our charge shortly. The Point Source Working Group consists of wastewater treatment plant operators and industry professionals. The Performance Benchmark Working Group is coming up with targets to meet 45% reduction target. More about Policy Working Group, it shows sectors identified as stakeholders for the strategy and shows affiliation participation. At meetings, each sector gives summary of implementation activities. At the Policy Working Group meetings, the working groups and forums provide a status update and an implementation report. Would anyone be interested in being a representative on behalf of the Urban Stormwater Working Group?

Stephen McCracken: What does that entail in forms of effort?

Eliana Brown: Two meetings a year.

Hal Sprauge: I could consider that.

Eliana Brown: Next Policy Working Group meetings are set for March 8 and August 30.

Hal Sprauge: Are these meetings face to face?

Eliana Brown: Yes, face to face. They take place in Springfield and Champaign. So Hal is considering it and Steve, are you considering it?

Stephen McCracken: I am considering it.

Amy Walkenbach: Anyone who is interested, we can set up a conference call and talk about responsibility.

Eliana Brown: Shoot me an email if anyone is interested at brown12@illinois.edu. Other groups have a chair and I think it's good to have one also if we want it. Is that something that we would like to do?

Amy Walkenbach: If no one wants to serve as a chair, I have been in that role and would continue serving in the role but would be willing to pass it along.

Eliana Brown: Some responsibilities may include setting up presentations and calls.

Amy Walkenbach: The sector representative will speak more as an advocate, as the EPA cannot be an advocate.

Eliana Brown: Is there anyone that would be willing to serve as co-chair?

Amy Walkenbach: We can give people a chance to think about it and not speak up in front of everyone.

Eliana Brown: So similarly, if you have an interest in chair or representative, send me an email.

Mary Beth Falsey: This is my first call, so I wanted to find out a little bit more about this meeting and what it entails before committing to anything.

Eliana Brown: We can inform more before decisions are made. These are conclusions from the initial group that was looking at stormwater. Another conclusion, is that reducing volume reduces nutrient load so green infrastructure is something to look at. Another change to improve is funding, legislative initiatives, and MS4 permit requirements. Circling back to MS4 permit requirements, Amy Walkenbach, will you be providing update to permit status?

Amy Walkenbach: Yes, I can do that. Jeff Hutton was going to be here but was called into another meeting. The permit expired March 31, 2014. Public notice went out and we received numerous comments. Since July, we have been working to address them. Major comments regarded the monitoring aspect of the new permit. The MS4 permit is almost completed and there is a multitude of monitoring options. Jeff Hutton has it available and you can contact him if you want a copy. The expectation is that the new permit which will be finalized is expected to be out before Christmas. Jeff will be retiring from the agency December 31, so if anyone is interested, send him an email quickly.

Eliana Brown: Can you provide his email address?

Amy Walkenbach: You can look at Eliana Brown's email and look for Jeff Hutton's address there.

Stephen McCracken: Jeff.Hutton@illinois.gov

Eliana Brown: Other questions?

Stephen McCracken: Anything in that permit related to phosphorus and nitrogen?

Amy Walkenbach: I cannot be certain.

Mike Warner: The newly formed watershed workgroup went over the draft permit and it had a section about chlorides and I wondering if there were any changes?

Amy Walkenbach: I cannot be certain since I'm out of loop. You should ask Jeff.

Hal Sprauge: Who will take over for Jeff?

Amy Walkenbach: No one has been identified for stepping into his shoes; all requests would go to Al Keller.

Eliana Brown: On this slide is the committee charge. We will be looking at the first two charges, to explore funding and develop plans. Hal, can you talk us through that?

Hal Sprauge: We put together a list of some bills presented in legislature last year. I also want to suggest additional things. Before going to the Urban Flooding Awareness Act, you might want to take a note or two. Last session, there was a bill that dealt with liability of local governments as a result of floods and public entities were not responsible for floods. Local farmers sued after 2013. That kind of thing is thought about but died. Senator Hane dealt with taxes to go toward flooding. But the question remains on how to fund this? Use of local and county taxes. So far, it has not passed to change that. There was a bill to deal with disclosure when selling homes and residential sellers to make buyers aware of flooding. The bill was an amendment to have property owners to have an inspection of sewer lines and the bill had a lot of activity and it passed partially. It eventually didn't go anywhere but we might see it again. Representative Martwick introduced a bill for property owners who install a retention basin, for them to receive some sort of tax exemption. I wanted to expand it, as it was vague, and I was hoping for green infrastructure. Representative Fortner supported a flooding fund and Director Bonnett (IEPA) and the DNR were to work on it and the federal bill, and it expanded the Clean Water State Revolving Fund to stormwater and funding so that took care of it and that bill didn't go anywhere. So not associated with that, a bill in the state to make changes to Revolving Fund regulations and the bill passed in the House and is now assigned to Senate and Illinois EPA needs that to expand the authority. Does anyone know where that went? I will try to find out. The next issue is stormwater fees, working at a county level to adopt stormwater fees to fund programs. We have gotten DuPage and Peoria as a pilot for other counties to model after. DuPage is developing stormwater fees and Peoria is watching. Neither bill for revoking fees passed. We should continue to support the counties to reduce stormwater at county level. There is lots of authority already for the counties to do this.

Mike Warner: There was a good presentation from Brad Winters on the Urban Flooding Awareness Act report. The #1 recommendation is not confined to the collar county area. It recommended that all counties in the state be given authority to enact stormwater utility fees. However, it was rolled out when budget crisis hit and got buried. We can strengthen the ability for counties that don't have legislation to get it. It was a good effort.

Hal Sprauge: What I saw was just that can we make sure counties have authority to develop commissions. Two sets of legislation. Required commissions and allowed commissions. Allowing, then, is that what you are suggesting?

Mike Warner: Yes.

Hal Sprauge: It is much more difficult to have a requirement than just allowing them to. There are 33 recommendations on page 78 of the report. The first 15 are for state legislature and haven't made a complete list, but we should all look at the recommendations. Some agencies in Illinois are giving clear authority to municipalities and counties and maybe we have two, one for stormwater fees and one to authority to set up commissions. There is an issue on the flooding side and I hope people see the connection between flooding and water quality. There is a lack of public awareness for stormwater and flooding. It is hard to get the public engaged about water quality and flooding when they don't see the flooding in their backyard. Engaging people about green infrastructure on joint water quality and

flooding may get more traction. In terms of water quality, the study on flooding, so Eliana Brown and Amy Walkenbach, do you want to talk about flooding initiatives? Or keep to water quality?

Eliana Brown: Thank you Hal, I have a question, I'm not sure we should go ahead and talk about gaps, maybe we need a subcommittee that focuses on how that is needed, so just jump in and tackle it now?

Amy Walkenbach: We have 40 minutes and we are not going to figure out which legislative needs we have in that time. We can explain what has happened and what we would like to see in the future. As a state agency, we are less than able to be an advocate, so a subcommittee would be useful to bring ideas.

Hal Sprague: A subcommittee would be a good idea. It will take some effort. The issue is that we have an MS4 permit and we are about to adopt another and add a few more things to it. We don't want to be a retention standard, but maybe we are headed there. One of the gaps is that the whole purpose of the permit is to have counties and municipalities doing the same thing to influence over development, like maybe required to have programs to reduce runoff. It doesn't happen automatically and enforcement is not everyone's favorite thing, but an audit program and guidance on what is meant by MS4 government. There is follow-up with a little bit of enforcement and can enhance the program. And maybe we would take the committee to develop procedures to push forward in useful way.

Amy Walkenbach: So we need less legislative effort and more programmatic recommendation?

Hal Sprague: Yes, we need the authority to do things and need changes in the program. In this political climate it is difficult to pass anything that looks like unfunded mandates.

Mary Beth Falsey: For more of a guidance perspective, I'm more interested in that. We under the county board and we are the staff and it is up to board members to make decisions in terms of policy. I'm looking for clarification and make to make clearer what would be a better direction.

Eliana Brown: Looking at the makeup of this group, I think we should look for a reasonable approach that would allow us to provide education and even go the other direction to provide legislature and share information with them to make decisions that they need to. Knowledge exchange is something those in the non-advocacy role would be comfortable with.

Amy Walkenbach: I don't hear any arguments.

Eliana Brown: Do new folks agree with that? Do we want to form a subcommittee to focus on that? For our next face-to-face meeting, would creation of a five person group subcommittee be more manageable?

Chat comments from Brian Miller(whose mike wasn't working)

Brian Miller: Eliana was going where I was trying to comment. You will probably need two committees. 1. to discuss gaps and priorities to move forward and 2. the other to talk about approach - part of the approach will be training and part will be legislative. Those that are able to push legislature can break off and others can concentrating on the training/communication aspects. I think two makes sense, one thinking about gaps and legislature.

Mary Beth Falsey: Create guidance for municipalities in that regard?

Eliana Brown: Hal suggested looking to see if authority for counties to form commissioning already exists. And provide decision makers education about stormwater issues so info exchange can go both ways.

Hal Sprauge: Education and outreach program is great and takes time and money but no one is assigned. It should be ongoing but everyone agrees that we need more education and outreach to the public and to the public works folks. What Mike suggested about authority to commissions is a good concept and if counties want it, finding authority, giving authority and promoting authority. A subcommittee can help move this forward and Illinois EPA can help develop tools and materials for guidance training and enforcement program.

Amy Walkenbach: Hal is saying what's being discussed in two separate workgroups. Education and outreach for municipalities and counties, understanding MS4s and stormwater. Other groups make recommendations to Illinois EPA and legislature. Most folks are not looking for additional legislation but looking for education opportunities.

Nancy Williamson: In working with counties, what are the stoppages for counties to become an active authority? If a County with authority can develop a stormwater ordinance it lays the path for their communities to have a base ordinance (expanding active stormwater control exponentially.) Recently Winnebago opted out to be given authority when NE area counties were given the authority Boone County still has not finished required work to develop their ordinance and some Counties need their hands held through the process. They can't implement because they have no funding and need someone with expertise to help guide this process with them. (Funding counties to develop a good ordinance might be a good expenditure?)

Mike Warner: Interested in being involved in a stormwater group, projects can have multiple benefits stormwater can provide multiple benefits. IDNR does collaborate with IEPA and have extensive database and if it is ruled out as allowance, county won't take action until flood happens. Nancy, we were trying to tell Boone to not start big.

Nancy Williamson: Flooding gets everybody's attention and is related to water quality. Flooding issue and funding: its effect on water quality needs to be defined in order for some communities with limited staff expertise and elected officials with no expertise to understand funding opportunities when water quality is the driving factor to obtain funding.

Eliana Brown: Rick, talk about programs you worked on in past on educating legislatures?

Rick Winkel: This circles back to funding, coming up with a program that trains and gets the word out. The strategy in place is legislature and linked to funding. The mechanism in place is an option.

Mike Warner: In the State Revolving Loan Fund, we have a small grants program and issue \$12,000 to grassroots watershed groups for startup and I don't know if can be considered to an existing program and see if a stormwater group gets legs.

Hal Sprauge: We have to solidify the authority. And it's clear that municipalities in Illinois have authority to do stormwater programs. Going back to funding, using the State Revolving Fund is sometimes used for projects or used to develop if county or municipality did a fee program, is that something they could provide funding for?

Amy Walkenbach: That is under consideration in rule making.

Eliana Brown: Do we want to have one or two subcommittees? Lyndsey is on the line and I was wondering if you can talk about what the Ag commodity groups have done. Lyndsey are you there? She's no longer here it appears. So I will talk. Agricultural commodity groups have a very coordinated outreach effort to reach farmers about nutrients that includes 11 roadshows. They have been very effective. So, do we see this as one committee or two committees? Thoughts?

Hal Sprauge: A smaller group with targeted focus can maybe get more things done.

Eliana Brown: Contact Amy if you would like to be on subcommittees.

Amy Walkenbach: By legislative, do you mean subgroup that would work on statewide programmatic solutions?

Eliana Brown: Yes, does the education committee talk to MS4s or do they also talk to legislators?

Mary Beth Falsey: What it does currently or what it could do?

Eliana Brown: What could the charge be? What would you want to see in that? Amy, what you are asking is somewhat figuring out bills to bring to legislature and recommendations.

Hal Sprauge: Try to define one project for each group to do. Have the name for each committee as the name of committee. This is the idea for education outreach and enforcement.

Nancy Williamson: For outreach, I would be interested to see what roadshows there are (aside from flooding) for local MS4 communities to look at that, especially expanded extensively to nutrients, pollution, and wildlife. Bridge the gap to get people to care more about it than flooding.

Eliana Brown: For roadshows, I can send you a link and audience is farmers and farmers want to avoid future regulation. I think you mentioned that flooding bring most people interested in this.

Hal Sprauge: Green infrastructure study can be folded into MS4s eventually so we got to talk about it, but if you want to have subcommittees, funding and outreach MS4s etc.

Eliana Brown: Group one is Rick and Hal and the other group two is outreach, communication, and education.

John Sloan: Is the goal to get MS4 to use more green infrastructure and is that the purpose? Or to educate MS4s about green infrastructure?

Amy Walkenbach: One of many things. Down from implementing BMPs green infrastructure to maintaining to how to enforce stormwater regulations to how to report stormwater progress to the state and twice and many things as what I mentioned.

Comments from Brian Miller

Brian Miller: There are three things needed. 1. identifying gaps in legislature and rules 2. figuring how to move that forward 3. then education coordination like the ag folks do. The question is how to lump those three things into two committees. It sounds like they are moving to two buckets: 1) a group to think about training for legislature and rules stuff and 2) a group like the ag folks have. Group 1 is people like Hal and Rick. Group 2 is like the communication/outreach folks for the various groups.

Eliana Brown: So in the last six minutes that we have, to get to next steps, it sounds like we need two subcommittees. Does anyone object to funding/legislation and outreach, education, and communication?

Amy Walkenbach: I will suggest that Eliana and I and Hal work on these and get it out for comment.

Stephen McCracken: As a side note, we need to look at a way to reduce phosphorus and nitrate in water. It sounds like this is turning into green infrastructure group. Has green infrastructure been decided the only way for doing that?

Amy Walkenbach: Illinois EPA leans toward that way but we need others to bring ideas.

Stephen McCracken: There are other things that need to be looked at, rushing into two groups, and we don't have answers in scientific sense.

Amy Walkenbach: We aren't going into this with preconceived outcomes. Getting information about water quality problem and not just flooding. Stormwater commissions are so important and they have to have different ways of addressing those.

Eliana Brown: So Amy, Hal, and I it is a good suggestion that we look at what these two subcommittees can be. In the last two minutes, other things to recap is to email me if you are interested in being sector representative for the Policy Working Group and email me if you are interested in serving as co-chair. No objections to Amy Walkenbach acting as chair? Amy Walkenbach as chair, so search for co-chair will continue. We should figure out who should serve on those. April is our face to face meeting. Please let me know what should be covered.

Hal Sprague: I have a call and will circle back to you and Amy later.

Alec Davis: Sources of nutrients in urban stormwater. Talk about it in general terms but thing about how nutrients get into stormwater in the first place and work on that.

Eliana Brown: Do you have someone to speak for that? Steve McCracken?

John Sloan: I would be interested, Scott and I put something together.

Stephen McCracken: I would agree.

Eliana Brown: Topics that you want to bring up to talk about at next meeting?

John Sloan: Can someone talk about MS4 permitting process and what that entails?

Eliana Brown: Good idea, we assume everyone knows about MS4 process, but if someone talks about stormwater utilities, we can round out group's knowledge base. Last call for comments. I want to thank everyone for being here today.

Amy Walkenbach: Thank you for your time and future time. This workgroup is needed in the state and hopefully we can move forward with some urban stormwater programs.

Eliana Brown: Thank you all.